

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION AT COLUMBUS**

ROBERT BETHEL,

Petitioner, : Case No. 2:10-cv-391  
-vs- : District Judge Michael R. Barrett  
D BOBBY, Warden, : Magistrate Judge Michael R. Merz  
Respondent.

# **ORDER VACATING STAY NUNC PRO TUNC**

On September 2, 2010, this Court stayed these capital habeas corpus proceedings pending exhaustion of Petitioner's state court remedies on his Fifteenth Ground for Relief (ECF No. 13). The Petitioner was ordered to file periodic reports of the status of the state court proceedings and the then-pending order for a Fed. R. Civ. P. 26(f) report was vacated. *Id.*

As ordered, Petitioner filed status reports (ECF Nos. 15, 16, 17, 18, 28, 34). Eventually, on September 5, 2012, Petitioner filed a Notice that the Ohio Supreme Court had declined review (ECF No. 36). The Court immediately treated the case as active and re-entered an order for a Rule 26(f) report on September 6, 2012 (Notation Order). The case has been actively litigated ever since, but the docket does not reflect a formal vacation of the stay. Because the Judicial Conference of the United States allocates resources for managing capital habeas cases on the basis of “unstayed” cases, it is important to avoid any confusion on the docket.

It is accordingly ORDERED that the stay of this case (ECF No. 13) be, and it hereby is, VACATED, nunc pro tunc, September 6, 2012.

June 28, 2017.

s/ *Michael R. Merz*  
United States Magistrate Judge